

EXHIBIT A: DEPOSITION EXCERPTS

The attached deposition include:

1. Brown Dep. Pages 152-154.
2. Brown Dep. Page 244-245.
3. Eustace Dep. Pages 67-68; 75-76; 86; 104-105; 124-125; 164-165; and 195.¹
4. Stover Dep. Pages 17-21; 21-32; 101-116.

¹ The deposition of Alan Eustace occurred on February 27, 2013. The attached include portions of the rough transcript, with citations to the transcript pages, found along the right margin. A final version of the transcript, on a rushed basis, will not be available until Monday, March 4, 2013.

15 VIDEO DEPOSITION OF SHONA BROWN
16 January 30, 2013
17
18
19 REPORTED BY: GINA V. CARBONE CSR. NO. 8249 RRP CCRP

02:10:26 1 Q. And did you do that because you were worried
02:10:29 2 that if you didn't, it could cause an upward pressure on
02:10:34 3 compensation for people within that internal market?
02:10:39 4 A. The worry was less about the upward pressure.
02:10:41 5 The worry was more that when you sit there and look at
02:10:43 6 your set of employees at any level of granularity and
02:10:47 7 their total pay across the various elements, you want it
02:10:51 8 to make sense relative to the value that they're
02:10:55 9 delivering, and to the extent it doesn't make sense, you
02:10:57 10 then have to think over long periods of time, you know,
02:11:00 11 are the ways that either the person grows into the value
02:11:04 12 or -- or perhaps their comp changes over time, aren't --
02:11:11 13 aren't the same in order to kind of try to adjust that
02:11:14 14 over time. But it's more that it created -- it created
02:11:19 15 difficulties that you didn't have to think about over
02:11:20 16 time.
02:11:24 17 Q. Okay. Please review Exhibit 174.
02:12:21 18 A. Okay.
02:12:23 19 Q. Did you write this first email to Mr. Geshuri
02:12:26 20 copying others?
02:12:28 21 A. The second email on the page?
02:12:30 22 Q. Yes.
02:12:31 23 A. Yes. It looks like an email from me in
02:12:33 24 November of 2004.
02:12:36 25 Q. And you wrote, "We have historically always

02:12:42 1 allowed recruiters to find talent wherever it is - even
02:12:46 2 when it is with key partners (for example AOL) or
02:12:50 3 sensitive competitors (for example, Yahoo, Microsoft).

02:12:52 4 Which is the right answer."

02:12:57 5 Why was it the right answer to allow recruiters
02:12:59 6 to find talent wherever it was, even if it was at a key
02:13:05 7 partner or sensitive competitor?

02:13:09 8 MR. RUBIN: Objection. I'll invoke the rule of
02:13:11 9 completeness. I think asking her that question, it's --
02:13:15 10 the next sentence is however -- begins with however, so
02:13:19 11 it tempers it.

02:13:20 12 So what I would ask you to do is just read the
02:13:23 13 whole paragraph.

02:13:23 14 You want to ask her about one answer, that's
02:13:25 15 fine.

02:13:26 16 MR. HARVEY: Absolutely not.

02:13:27 17 MR. RUBIN: Or I'll read it.

02:13:28 18 MR. HARVEY: Absolutely not.

02:13:29 19 MR. RUBIN: Well, there's a rule --

02:13:29 20 MR. HARVEY: Absolutely not. It's my
02:13:30 21 deposition, Lee.

02:13:30 22 MR. RUBIN: No, there is a rule of evidence.

02:13:32 23 MR. HARVEY: She can take whatever time she
02:13:34 24 needs to read whatever part of the document she wants.
02:13:35 25 I'm asking a question about the first sentence.

02:13:37 1 MR. RUBIN: Okay. I'll go ahead and read it

02:13:38 2 while she's thinking --

02:13:40 3 MR. HARVEY: No.

02:13:41 4 MR. RUBIN: -- while she's looking at it.

02:13:41 5 "However, we do need to be respectfully and

02:13:44 6 sensitive about how we do it. I don't think this is

02:13:46 7 consistently happening. One practical suggestion came

02:13:46 8 up today, that we could tell recruiters as a tangible

02:13:50 9 action item, is to be targeted in proactive recruiting

02:13:53 10 into these companies. In other words, we should NOT do

02:13:55 11 what Microsoft does which is to get a rolodex of

02:13:59 12 engineers and just call everyone, one after another. It

02:14:02 13 is fine for recruiters to call into these companies with

02:14:05 14 a specific individual they are chasing. If you have a

02:14:07 15 different point of view let me know. Otherwise, can you

02:14:10 16 communicate this to recruiting leads. And let's make

02:14:12 17 sure Paul/Judy add this to training materials."

02:14:15 18 That's the whole email.

02:14:16 19 MR. HARVEY: I'll move to strike that -- that

02:14:17 20 speech which is entirely inappropriate.

02:14:19 21 MR. RUBIN: I will invoke Rule --

02:14:20 22 MR. HARVEY: -- the pending question --

02:14:20 23 MR. RUBIN: -- Rule 106 of the Rule of Evidence

02:14:22 24 requires things that ought to be considered at the same

02:14:25 25 time to be considered. So we shouldn't cherry-pick

02:14:30 1 phrases.

02:14:30 2 MR. HARVEY: None of this is appropriate and

02:14:32 3 none of it will be deducted from the seven hours.

02:14:35 4 MR. RUBIN: I'm sorry the rules of evidence

02:14:37 5 don't apply to your depositions, but they actually do in

02:14:41 6 court.

02:14:42 7 MR. HARVEY: For God's sakes, Lee. All right.

02:14:45 8 Q. Ms. Brown, could you please answer the pending

02:14:46 9 question.

02:14:46 10 A. Could you repeat it for me. I'm sorry.

02:14:47 11 MR. HARVEY: Could the reporter please repeat

02:14:49 12 the pending question.

02:12:36 13 (Record read as follows: And you wrote, "We

02:12:39 14 have historically always allowed recruiters to

02:12:43 15 find talent wherever it is - even when it is

02:12:46 16 with key partners (for example AOL) or

02:12:50 17 sensitive competitors (for example, Yahoo,

02:12:52 18 Microsoft). Which is the right answer."

02:12:57 19 Why was it the right answer to allow recruiters

02:12:59 20 to find talent wherever it was, even if it was

02:13:03 21 at a key partner or sensitive competitor?)

02:15:27 22 THE WITNESS: So my response is that I was

02:15:28 23 contrasting that first statement with the statement that

02:15:32 24 follows. Indeed that's true. So in generally speaking,

02:15:38 25 you want to be able to find talent wherever you can.

05:49:05 1 was, it was our doing and we wanted to create this list
05:49:08 2 in order to be better partners.

05:49:10 3 Q. Did Larry Page ever tell you that the
05:49:12 4 do-not-call list was unilateral?

05:49:15 5 A. I don't recall a conversation with Larry Page
05:49:16 6 about the do-not-call list.

05:49:19 7 Q. Did Sergey Brin ever tell you that the
05:49:21 8 do-not-call list was unilateral?

05:49:23 9 A. I don't recall any conversation specifically
05:49:25 10 with Sergey about the do-not-call list either.

05:49:28 11 Q. Did Bill Campbell ever tell you that Google's
05:49:32 12 do-not-call list was unilateral?

05:49:34 13 MR. RUBIN: Objection. Vague.

05:49:41 14 If you can answer.

05:49:43 15 THE WITNESS: Again, I don't remember any
05:49:44 16 detailed conversations with Bill Campbell about the
05:49:47 17 do-not-call policy. It's evident from some emails you
05:49:51 18 showed today that at some point he became aware that we
05:49:53 19 had such a do-not-call list. I -- I don't recall any
05:49:57 20 conversations with him about anything with regards to
05:50:00 21 other companies having or not having such a list as
05:50:04 22 well.

05:50:05 23 MR. HARVEY: Q. Can you point me to a single
05:50:07 24 piece of evidence that supports your belief that
05:50:10 25 Google's do-not-call policy was unilateral?

05:50:14 1 MR. RUBIN: I can.

05:50:15 2 Go ahead.

05:50:18 3 THE WITNESS: You asked me what my recollection

05:50:19 4 was of the events, and I've given you my recollection of

05:50:22 5 the event, which is that we created that list. We've

05:50:25 6 looked at emails today that suggest that happened coming

05:50:27 7 out of a management team meeting, which makes perfect

05:50:32 8 sense to me, and we created the list with a set of

05:50:35 9 strategic partners. It changed over time as the nature

05:50:38 10 of who the strategic partners were changed over time.

05:50:42 11 We've gone through all of that today.

05:50:45 12 MR. HARVEY: Q. And I believe you said you

05:50:46 13 created the list with a set of strategic partners.

05:50:49 14 What did you mean by that?

05:50:53 15 A. Meaning that there was always a set of

05:50:56 16 strategic partners, and I think we looked at an email

05:50:58 17 today that you showed me that reminded me or it seemed

05:51:01 18 to show that it came out of actually an EMG discussion

05:51:04 19 meeting, and I believe there were three original

05:51:07 20 companies on that list, Genentech and Intel and Apple.

05:51:11 21 That's what I meant that they were all strategic

05:51:13 22 partners.

05:51:16 23 Q. Okay. What is a merit budget?

05:51:31 24 A. I'm not sure the specific context that you're

05:51:34 25 referring to, but we did have -- I believe that we used

1 I, Gina V. Carbone, Certified Shorthand
2 Reporter licensed in the State of California, License
3 No. 8249, hereby certify that the deponent was by me
4 first duly sworn and the foregoing testimony was
5 reported by me and was thereafter transcribed with
6 computer-aided transcription; that the foregoing is a
7 full, complete, and true record of said proceedings.

8 I further certify that I am not of counsel or
9 attorney for either of any of the parties in the
10 foregoing proceeding and caption named or in any way
11 interested in the outcome of the cause in said caption.

12 The dismantling, unsealing, or unbinding of
13 the original transcript will render the reporter's
14 certificates null and void.

15 In witness whereof, I have hereunto set my
16 hand this day: February 1, 2013.

17 ____ Reading and Signing was requested.

18 ____ Reading and Signing was waived.

19 __x__ Reading and signing was not requested.

20

21

22

23

GINA V. CARBONE

24

CSR 8249, RPR, CCRR

25

Eustace. Rough Draft. txt

1

1 ROUGH DRAFT - CONFIDENTIAL - ATTORNEYS' USE ONLY

2 -----

3 Please be aware when using, saving onto a hard
4 computer disk, or receiving a Li venote/Real time ASCII
4 that:

5 1. Because of the nature of stenographic
6 outlines, differences WILL exist between the
6 Li venote/Real time copy and the certified transcript
7 prepared by the reporter. Those differences will
7 include the following, among others:

- 8 a. Words may change;
9 b. Page and line numbers may change;
9 c. Punctuation may change; and/or
d. Quotes may change.

10 2. The Li venote/Real time draft is an
11 uncertified, rough-draft copy of the proceedings.

12 3. A Li venote/Real time ASCII or saving
13 Li venote/Real time onto a computer hard drive will only
13 be provided when a certified copy is purchased and that
14 there will be a charge for the Li venote/Real time in
14 addition to the charge for the certified copy.

15 -----

16 -----

17 DISCLAIMER

18 THIS REAL-TIME ROUGH DRAFT TRANSCRIPT IS BEING
19 PROVIDED TO COUNSEL PURSUANT TO CODE OF CIVIL PROCEDURE
20 SECTION 2025 (r) (2), WHICH PROVIDES AS FOLLOWS:

21 "WHEN PREPARED AS A ROUGH DRAFT TRANSCRIPT, THE
22 TRANSCRIPT OF THE COURT MAY NOT BE CERTIFIED AND MAY NOT
23 BE USED, CITED, OR TRANSCRIBED AS THE CERTIFIED
24 TRANSCRIPT OF THE COURT PROCEEDINGS. THE ROUGH DRAFT
25 TRANSCRIPT MAY NOT BE CITED OR USED IN ANY WAY OR AT ANY

♀ 2

1 TIME TO REBUT OR CONTRADICT THE CERTIFIED TRANSCRIPT OF
2 COURT PROCEEDINGS AS PROVIDED BY THE COURT REPORTING
3 OFFICER."

4 IT IS AGREED BY ALL PARTIES RECEIVING A COPY OF THE

Eustace.Rough Draft.txt

16 THE WITNESS: I can read the companies that
17 are in the first section.

18 MS. DERMODY: Okay.

19 Q. Do you see the sentence that says, "The
20 following companies have special agreements with
21 Google"?

22 MR. RUBIN: Look, let me just be clear.

23 I have no problem with you saying that's what
24 it says but my objection is that you are baking it into
25 the question and trying to get the witness to adopt a

♀ 68

1 particular characterization. So if you want to say here
2 are companies under the title and this is what the
3 document says --

4 MS. DERMODY: Are you testifying?

5 MR. RUBIN: No. I'm just trying to explain to
6 you --

7 MS. DERMODY: You are absolutely out of line.
8 Let's move on.

9 MR. RUBIN: I'm just trying to explain to you
10 what it is that I'm objecting to so that you can ask a
11 question that won't raise an objection.

12 If you want to say here is what the document
13 says and ask him a question, that's fine.

14 THE WITNESS: Yeah. I'm confused too in the
15 sense that you are just asking me -- I mean I can read
16 the document. I don't know what you are trying to get
17 me to do other than read.

18 BY MS. DERMODY:

19 Q. I'm not trying to get you to do anything. I'm
20 asking you if you follow the document and you follow the
21 sentence in the document. Do you see the list of

Eustace. Rough Draft. txt
23 A. Okay, great. Thank you. That is very
24 helpful.

25 (Reviews document.)

75

1 Okay.

2 Q. So do you recognize having received any part
3 of this document?

4 A. I don't remember the document, but I certainly
5 saw it and I certainly responded to it, so...

6 Q. Do you recall there being an episode in 2005,
7 early 2005 where Steve Jobs was upset with Google in
8 connection to recruiting that Google was doing of Apple
9 employees?

10 A. Well, these documents say that yes, I was
11 aware of such a set of exchanges.

12 Q. And the document that I said I would focus on
13 which starts at the bottom of page two, on to page
14 three, which is from Mr. Brin to the executive
15 management group and others says, "So I got another
16 irate call from Jobs today. I don't think we should let
17 that determine the hiring strategy but thought I would
18 let you know. Basically he said, 'If you hire a single
19 one of these people, that means war.' "

20 Do you have an understanding of what the
21 reference to "war" is here as described in this e-mail?
22 exchange?

23 A. No idea.

24 MR. RUBIN: Objection. Lacks foundation.

25 THE WITNESS: No idea.

76

1 BY MS. DERMODY:

2 Q. Do you have an impression reading this what
Page 62

Eustace. Rough Draft. txt

3 this might have involved?

4 MR. RUBIN: Objection. Calls for speculation.

5 THE WITNESS: I have no idea.

6 BY MS. DERMODY:

7 Q. Was this one of the threats that you described
8 earlier that Steve Jobs might make if he was displeased?

9 MR. RUBIN: Objection. Calls for speculation.

10 THE WITNESS: It was not a threat that Steve
11 made to me.

12 BY MS. DERMODY:

13 Q. Was this your understanding of the kind of
14 thing Steve might do if he was displeased?

15 MR. RUBIN: Objection. Calls for speculation.

16 THE WITNESS: I don't know what Steve would do
17 in other cases, I only know about the cases where he and
18 I talked directly.

19 BY MS. DERMODY:

20 Q. This is an e-mail that you receive at this
21 time; is that correct?

22 A. Yes, I did receive this e-mail.

23 Q. Okay.

24 And do you recall discussing this with anyone?

25 A. Obviously I discussed it with the people on

77

1 the thread here. I don't remember any other
2 discussions.

3 Q. Is going to war a term you have heard used in
4 the business community in Silicon Valley?

5 A. No, I have not heard that particular phrase.

6 This is a -- to be clear, this is a paraphrase by Sergey
7 of what Steve might have said. I have no idea whether

Eustace. Rough Draft. txt

21 BY MS. DERMODY:

22 Q. And what --

23 A. I'm the middle person.

24 Q. And what you say to him is "I can't risk our
25 relationship with Apple." Who was the "our" in that

♀ 86

1 statement?

2 A. Could be either one of two things. It could
3 be Jean-Marie and my relationship with Apple or it could
4 be Google's relationship with Apple.

5 Q. In that sentence you're referring to Google's
6 relationship with Apple, aren't you, Mr. Eustace?

7 MR. RUBIN: Objection. Argumentative, it
8 lacks foundation and asked and answered.

9 THE WITNESS: It is more likely I meant Google
10 than Jean-Marie and my relationship, but the sentence is
11 ambiguous.

12 MS. DERMODY: We have to switch the tape, so
13 we should take a break.

14 THE WITNESS: Cool, great. Thank you.

15 THE VIDEOGRAPHER: We're off the record. The
16 time is 12:14 p.m. This will be the end of Video 1,
17 Volume 1 in the deposition of Alan Eustace.

18 (Luncheon recess taken at 12:14 p.m.)

19

20 Afternoon Session 1:04 p.m.

21 THE VIDEOGRAPHER: We're back on the record,
22 the time is 1:04 p.m. This marks Video 2 in the
23 deposition of Alan Eustace.

24 BY MS. DERMODY:

25 Q. Mr. Eustace, are you aware whether Google's

♀ 87

Eustace.Rough Draft.txt

20 partnerships actually developed, before we worked
21 together, the way these relationships are built early
22 on, you have a relationship and that builds, you know,
23 potentially over time.

24 At this time, I think the potential for an IBM
25 relationship was similar to the potential of an Apple

103

1 relationship but I don't believe over time, the IBM
2 relationship evolved to the same extent that the Apple
3 relationship did.

4 MS. DERMODY: Okay.

5 Q. If you go back to the first page of this
6 exhibit, you will see there is an e-mail responding to
7 you from Mr. Chiu.

8 A. Are you talking about the statement in bold?

9 Q. I think the entire e-mail is from Mr. Chiu.

10 A. I got it.

11 Q. Is that correct, as we're looking at it?

12 If you look at the first line of that e-mail
13 from Mr. Chiu responding to you, he says, "Alan, I
14 appreciate your response below. As we discussed last
15 night, I would really need to have some indication of
16 good faith in the spirit of our partnership. I
17 understand that IBM people may get contacted in a
18 widespread recruiting effort but this is very important
19 to the emotional side of our partnership." Do you see
20 that?

21 A. Yes, I do.

22 Q. Do you know or have an understanding of what
23 he was referring to there?

24 A. The only thing I can do is go back to the --

Eustace.Rough Draft.txt

25 is to go back to his statement that intentionally

104

♀
1 systematically targeting IBM employees was what they
2 were worried about.

3 Q. And do you understand why he thought there was
4 a lack of good faith or had to call out good faith as
5 part of his reassurance that he wanted?

6 MR. RUBIN: Objection. Calls for speculation.

7 THE WITNESS: I don't know what Willie was
8 thinking.

9 MS. DERMODY:

10 Q. You didn't talk about that as you recall?

11 A. This said we did talk about it last night, so
12 we must have had a phone call. I get a little more
13 context in that. There must be a phone call that caused
14 me to send the message I did which caused him to send
15 the message that he did.

16 Q. And reading this, does it refresh your
17 recollection at all about the content of that
18 conversation?

19 A. No, it doesn't.

20 Q. And other than the two employees you can
21 recall that you recruited from IBM at this time, was
22 there anything else that you remember Mr. Chiu raising
23 as a basis for him suggesting that IBM was being
24 intentionally systematically targeted?

25 A. No.

105

1 MR. RUBIN: Objection. Lacks foundation.

2 THE WITNESS: No.

3 MS. DERMODY: Let me go back to Exhibit 180.

4 It's probably sitting in your pile. If it's in

Eustace. Rough Draft. txt

15 because of something that the company had told me or
16 that Eric had told me, but that the company didn't have
17 the right expertise. They were building chips and we
18 were building systems and those two expertise actually
19 have very little intersection. So this is kind of
20 meaningless to me from an engineering point of view.

21 I would never have asked about what the policy
22 is toward Intel because I would not have actively, you
23 know, tried to recruit executives from Intel.

24 MS. DERMODY: Okay.

25 Q. And in looking at this document, where there

125

1 is a reference to Google's commitment to terminate a
2 recruiter that calls into Intel, does that refresh your
3 recollection about any conversations you might have had
4 about the commitment that Google had to not let that
5 happen?

6 MR. RUBIN: Objection. Lacks foundation.

7 THE WITNESS: I never knew about this policy.

8 MS. DERMODY:

9 Q. Do you know if Google's commitment not to cold
10 call other companies was shared with the companies that
11 were the subject of that decision?

12 MR. RUBIN: Objection. Lacks foundation.

13 THE WITNESS: I do not know.

14 MS. DERMODY: Okay.

15 Q. Do you know if Google's board of directors was
16 ever advised that Google had made a decision not to cold
17 call the employees of certain companies?

18 A. I do not know.

19 Q. Do you have an awareness of how compensation

Eustace. Rough Draft. txt
14 the cost of living was changing dramatically, would that
15 be part of the discussion for how to set salaries across
16 the whole employee population that was located here?

17 MR. RUBIN: Object on. Foundation.

18 THE WITNESS: I was not a part of the
19 discussions for whether or not cost of living increases
20 factored into the salary conversations.

21 MS. DERMODY: Thank you.

22 Q. Do you know of any circumstances where
23 information about other companies led the firm to a
24 large increase in compensation of many people or a
25 department inside Google?

165

1 MR. RUBIN: Objection. Vague.

2 THE WITNESS: There was constant work by the
3 compensation people to understand how our salaries and
4 compensation and total compensation package compared in
5 particular job descriptions with other companies and so
6 I mean, that was a constant part of our business, to
7 understand whether we were paying people appropriately.

For instance, every year, we would look at colleges and we would make a decision on what we're going to pay new college students. So it was a continuous process evaluating compensation by geography, by job title across the whole company.

13 MS. DERMODY: Okay.

14 Thanks.

15 I wasn't sure what you were passing me. I
16 have these documents.

17 THE WITNESS: Getting a little punchy at 3:30,
18 aren't we?

19 THE REPORTER: Exhibit 1060.
Page 136

Eustace. Rough Draft. txt

22 to shift from variable comp to base salary and so what I
23 was asking him in this e-mail was what was happening to
24 the individual paychecks of the individual people and to
25 try to make sure that they were seeing the effect of the

♀ 195

1 global program.

2 Q. And as stated here, you say, "I was surprised

3 [REDACTED]
[REDACTED]
[REDACTED] Am I missing

6 something?"

7 Do you see that?

8 A. Yes, I see that.

9 Q. [REDACTED]
[REDACTED]
[REDACTED]

12 MR. RUBIN: Objection. Lacks foundation.

13 THE WITNESS: I'm -- this is just a question
14 based on the data I had at the time. I don't know how
15 this actually came out.

16 I don't know whether he sent me a message or
17 talked to me and said -- gave me an explanation and
18 said, that's fine or gave me an explanation that said,
19 no, I think there is something missing here, or maybe I
20 just misunderstood. For me, I just don't have any
21 context here.

22 BY MS. DERMODY:

23 Q. Did you --

24 A. [REDACTED]
[REDACTED]

♀ 196

<p style="text-align: right;">Page 1</p> <p>UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION</p> <hr/> <p>IN RE: HIGH-TECH EMPLOYEE) ANTITRUST LITIGATION) No. 11-CV-2509-LHK</p> <hr/> <p>HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY</p> <p>VIDEOTAPED DEPOSITION OF DANIEL STOVER San Francisco, California Monday, October 29, 2012 Volume I</p> <p>Reported by: ASHLEY SOEVYN CSR No. 12019 JOB No. 1541285</p> <p>PAGES 1 - 298</p>	<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES: 2 3 FOR THE PLAINTIFFS AND PROPOSED CLASS: 4 5 LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP 6 BY: DEAN HARVEY, ESQ. 7 -AND ANNE SHAVER, ESQ. 8 275 Battery Street 9 29th floor 10 San Francisco, California 94111 11 (415) 956-1000 12 dharvey@lchb.com</p> <p>13 14 FOR THE PLAINTIFFS AND PROPOSED CLASS: 15 16 JOSEPH SAVERI LAW FIRM 17 BY: LISA J. LEEBOVE 18 255 California Street, Suite 450 19 San Francisco, California 94111 20 (415) 500-6800 21 llebove@saverilawfirm.com</p> <p>22 23 24 25</p>
<p style="text-align: right;">Page 2</p> <p>1 UNITED STATES DISTRICT COURT 2 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION</p> <hr/> <p>5 IN RE: HIGH-TECH EMPLOYEE) 6 ANTITRUST LITIGATION) No. 11-CV-2509-LHK</p> <hr/> <p>8 9 10 11 Videotaped Deposition of Daniel Stover, taken 12 at 275 Battery Street, 29th floor, San Francisco, 13 California, commencing at 9:21 a.m., Monday, October 14 29, 2012, before Ashley Soevyn, CSR 12019.</p> <p>15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES: 2 3 FOR THE DEFENDANTS ADOBE SYSTEMS AND INTUIT: 4 5 JONES DAY 6 BY: DAVID KIERNAN, ESQ. 7 -And CATHERINE T. ZENG, ESQ. 8 555 California Street 9 26th floor 10 San Francisco, California 94104 11 (415) 626-3939 12 dkiernan@jonesday.com 13 czeng@jonesday.com</p> <p>14 15 FOR THE DEFENDANT PIXAR: 16 17 COVINGTON & BURLING LLP 18 BY: EMILY JOHNSON HENN, ESQ. 19 333 Twin Dolphin Drive 20 Suite 700 21 Redwood Shores, California 94065-1418 22 (650) 632-4715 23 ehenn@cov.com</p> <p>24 25</p>

Page 5

1 APPEARANCES:
 2
 3 FOR THE DEFENDANT APPLE INC.:
 4
 5 O'MELVENY & MYERS LLP
 6 BY: CHRISTINA BROWN, ESQ.
 7 Two Embarcadero Center
 8 28th floor
 9 San Francisco, California 94111-3823
 10 (415) 984-8700
 11 cjbrown@omm.com
 12
 13 FOR THE DEFENDANT LUCAS FILMS: (NO APPEARANCE
 14 THIS DEPOSITION BUT OF COUNSEL)
 15
 16 KEKER & VAN NEST LLP
 17 BY: DANIEL PURCELL, ESQ.
 18 633 Battery Street
 19 San Francisco, California 94111-1809
 20 (415) 773-6697
 21 dpurcell@kvn.com
 22
 23
 24
 25

Page 7

1 INDEX
 2
 3 MONDAY, OCTOBER 29, 2012
 4 WITNESS EXAMINATION
 5 DANIEL STOVER
 6 By MR. KIERNAN 11
 7
 8
 9 WITNESS INSTRUCTION NOT TO ANSWER
 10 PAGE LINE
 11 20 4
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 6

1 APPEARANCES:
 2
 3 FOR THE DEFENDANTS INTEL CORPORATION:
 4
 5 BINGHAM MCCUTCHEN LLP
 6 BY: SUSAN J. WELCH, ESQ.
 7 Three Embarcadero Center
 8 San Francisco, California 94111-3823
 9 (415) 393-2704
 10 susan.welch@bingham.com
 11
 12 ALSO PRESENT: CYRIL SUSCZKIEWICZ, Videographer
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 8

1 EXHIBITS
 2 NUMBER DESCRIPTION PAGES
 3 Exhibit 90 Resume of Daniel Stover; 80
 4 Bates No. PLTF_DS_29 through PLTF_DS_31
 5
 6 Exhibit 91 Resume of Daniel Stover; 81
 7 Bates No. PLTF_DS13 through PLTF_DS14
 8
 9 Exhibit 92 Resume of Daniel 101
 10 Stover; Bates No. PLTF_DS_1118 through
 11 PLTF_DS_1120
 12
 13 Exhibit 93 LinkedIn profile of 111
 14 Daniel Stover; Bates No. PLTF_DS_243
 15 through PLTF_DS_248
 16
 17 Exhibit 94 Plaintiff Daniel Stover's 134
 18 Supplemental Answers and Objections to
 19 Defendants' First Set of Interrogatories
 20
 21 Exhibit 95 VirtualEdge Intuit on-line 278
 22 application of Daniel Stover; Bates No.
 23 INTUIT_7106 through INTUIT_7109
 24
 25

		Page 17			Page 19
1	A. I don't specifically remember accessing it.	09:29:37	1	he didn't destroy it. I just -- Mr. Stover, I got	09:31:27
2	I do remember thinking about it and bringing --	09:29:39	2	to know what your testimony is.	09:31:30
3	bring it up that I had a Yahoo account. At some	09:29:42	3	Do you have the password to your Yahoo	09:31:31
4	point, I changed to Gmail, so I made every attempt	09:29:44	4	account?	09:31:34
5	to make sure I looked everywhere that I possibly	09:29:48	5	MS. LEEBOVE: Objection, asked and	09:31:35
6	could to find documents that were relevant to this	09:29:52	6	answered.	09:31:36
7	case.	09:29:55	7	THE WITNESS: I do not at this point.	09:31:36
8	So again, I can't specifically say, you	09:29:57	8	BY MR. KIERNAN:	09:31:38
9	know, when I did -- but you know, I can pretty	09:30:03	9	Q. When is the last time you had it?	09:31:38
10	confidently say that I did.	09:30:06	10	MS. LEEBOVE: Objection, asked and	09:31:40
11	Q. What is your password for that account?	09:30:07	11	answered.	09:31:41
12	MS. LEEBOVE: Objection, calls for	09:30:10	12	THE WITNESS: I couldn't say.	09:31:42
13	privacy.	09:30:13	13	BY MR. KIERNAN:	09:31:46
14	THE WITNESS: Yeah, I wouldn't --	09:30:15	14	Q. How did you access the Yahoo.com account?	09:31:46
15	BY MR. KIERNAN:	09:30:16	15	MS. LEEBOVE: Objection --	09:31:50
16	Q. I'm sorry?	09:30:16	16	BY MR. KIERNAN:	09:31:52
17	A. I would not know that information.	09:30:16	17	Q. -- in connection with this -- in connection	09:31:52
18	Q. How did you access your account?	09:30:18	18	with this lawsuit?	09:31:53
19	A. I have a list that I keep with my passwords	09:30:20	19	MS. LEEBOVE: Objection, asked and	09:31:54
20	on it. I honestly don't commit my passwords to	09:30:23	20	answered.	09:31:56
21	memory.	09:30:26	21	THE WITNESS: Yeah, I think -- I think as I	09:31:57
22	Q. Okay. So you still have the password for	09:30:27	22	said, I -- I went through the website -- website. I	09:31:58
23	the DanielStoverSF@Yahoo.com?	09:30:29	23	knew my user name. I don't remember if the password	09:32:01
24	A. I probably do not.	09:30:35	24	was on my list at that time. You know, like most	09:32:05
25	Q. You probably do not?	09:30:36	25	people I have eight or nine different passwords that	09:32:10
		Page 18			Page 20
1	A. Yeah, because I don't use that account	09:30:38	1	I use or a combination thereof. I think that's	09:32:17
2	anymore.	09:30:41	2	consistent with what I said.	09:32:21
3	Q. Okay. So I'll ask the question again. How	09:30:42	3	BY MR. KIERNAN:	09:32:31
4	did you access your DanielStoverSF@Yahoo.com account	09:30:44	4	Q. What else did you do to look for	09:32:31
5	if you don't have the password?	09:30:50	5	documents?	09:32:34
6	MS. LEEBOVE: Objection, asked and	09:30:51	6	MR. HARVEY: Objection, to the extent the	09:32:36
7	answered.	09:30:54	7	question calls for attorney-client communications or	09:32:40
8	BY MR. KIERNAN:	09:30:54	8	instructions. I instruct the witness not to answer	09:32:42
9	Q. Go ahead.	09:30:54	9	the question.	09:32:44
10	A. At the time, I probably still had it on a	09:30:55	10	THE WITNESS: I'll follow his advice.	09:32:47
11	list somewhere.	09:30:58	11	MR. KIERNAN: Well, you have to answer	09:32:49
12	Q. And now you destroyed it?	09:31:00	12	questions about the facts, okay, not what he told	09:32:51
13	MS. LEEBOVE: Objection, misstates prior	09:31:01	13	you. You have to tell me what exactly you did to	09:32:54
14	testimony.	09:31:03	14	look for documents.	09:32:56
15	THE WITNESS: I have not destroyed it. I	09:31:04	15	MS. LEEBOVE: I will just caution you that	09:32:57
16	mean, there is a collection of eight or nine	09:31:06	16	if you -- it's fine for you to say what you did to	09:32:58
17	different passwords I use. So if I did not have it	09:31:09	17	look for documents, but not to communicate what you	09:33:00
18	on my list, I could cycle through those. But no, I	09:31:12	18	discussed with your attorneys.	09:33:02
19	did not destroy it.	09:31:15	19	So you can let him know where you looked,	09:33:04
20	BY MR. KIERNAN:	09:31:19	20	where you decided to look.	09:33:08
21	Q. So you still have the password?	09:31:19	21	THE WITNESS: Okay. I honestly have one	09:33:13
22	MS. LEEBOVE: Objection, asked and	09:31:22	22	folder in which I keep physical documents. I am not	09:33:16
23	answered.	09:31:23	23	a corporation or business, so I don't really have	09:33:20
24	MR. KIERNAN: Well, he said he didn't	09:31:23	24	any -- keep a bunch of paper records. So I looked	09:33:22
25	des- -- he said he didn't have it. But now he says	09:31:24	25	through, you know, these file folders.	09:33:25

	Page 21		Page 23
1	In terms of electronic documents, there is 09:33:27	1	documents that were obvious to me on the computer. 09:35:44
2	a services that I was doing a search on two 09:33:30	2	But with respect to this contractor, I just followed 09:35:47
3	computers which I owned, which I had during the 09:33:35	3	their instructions exactly to ensure that they had 09:35:50
4	period of working at Intuit. So a full search of 09:33:37	4	full access to the machines and my Cloud accounts. 09:35:54
5	everything that was on those computers, as well as 09:33:41	5	Q. Do you recall that you've produced -- well, 09:36:13
6	some -- some services -- some web applications where 09:33:45	6	I'll represent to you that you've produced a number 09:36:16
7	I keep documents online. 09:33:50	7	of resumes in response to the defense document 09:36:18
8	BY MR. KIERNAN: 09:33:53	8	request. 09:36:23
9	Q. In the Cloud? 09:33:53	9	A. Correct. 09:36:23
10	A. Correct. 09:33:56	10	Q. And I have three that are sort of 09:36:26
11	Q. Okay. What about port- -- any portable 09:33:58	11	carpentry-related. 09:36:27
12	media? CDs, DVDs, floppies? 09:34:00	12	A. Uh-huh. 09:36:29
13	A. I looked through those, there was nothing 09:34:05	13	Q. What do you use those for? 09:36:30
14	there that I found as relevant. 09:34:06	14	A. Those would be jobs working in carpentry, 09:36:33
15	Q. You personally went through them? 09:34:07	15	either finished carpentry, typically. You may have 09:36:37
16	A. Yes. 09:34:09	16	a copy related to shop work, that is, making 09:36:41
17	Q. How many? 09:34:10	17	cabinets and furniture. I mean, I would say given 09:36:45
18	MS. LEEBOVE: Objection, vague. 09:34:10	18	the nature of the search of the machine, some of the 09:36:49
19	THE WITNESS: So portable media that could 09:34:16	19	resumes you have may be works in progress, you know, 09:36:52
20	possibly contain anything relevant to the case? 09:34:20	20	because documents are backed up automatically and 09:36:56
21	BY MR. KIERNAN: 09:34:24	21	whatnot. 09:36:59
22	Q. Uh-huh. 09:34:24	22	Q. Well, I have three that are 09:37:00
23	A. There were maybe four CDs, and I had a 09:34:24	23	carpentry-related. Would one of those be the 09:37:03
24	drive that I used to back up information. 09:34:27	24	final? 09:37:06
25	Q. Okay. The drive that you were -- 09:34:37	25	MS. LEEBOVE: Objection, vague. And if you 09:37:06
	Page 22		Page 24
1	referenced -- a hard drive, flash drive? What 09:34:39	1	need to do -- if you have the documents with you, 09:37:08
2	exactly is it? 09:34:41	2	you may show them to him. If you need to see them, 09:37:12
3	A. It was a portable hard drive. Honestly, I 09:34:43	3	you can ask for them. 09:37:17
4	haven't use it in probably four or five years. It 09:34:47	4	MR. KIERNAN: You'll have time for a 09:37:19
5	contains photographs and music and, you know, things 09:34:51	5	redirect, Counsel. 09:37:21
6	related to kind of a personal nature. 09:34:54	6	BY MR. KIERNAN: 09:37:22
7	Q. And you said that you searched two 09:34:56	7	Q. We're going to answer the question. Would 09:37:22
8	computers? 09:34:58	8	one of the three that you produced be the final? 09:37:22
9	A. Correct. 09:34:59	9	A. I can't say for certain. 09:37:24
10	Q. And did you personally search them for 09:35:00	10	Q. Okay. Well, did you search for the final 09:37:26
11	relevant material? 09:35:02	11	resume? 09:37:28
12	A. I did not. 09:35:03	12	A. I know where my -- my current updated 09:37:29
13	Q. Okay. Who did? 09:35:06	13	resumes are. 09:37:31
14	A. There was a contractor which -- this is 09:35:08	14	Q. And did you produce it to us? 09:37:32
15	their specialty. So I just provided them with 09:35:10	15	A. Assuming the search was appropriate on my 09:37:35
16	access to my machines. 09:35:15	16	machines and worked, which I'm assuming, yes. 09:37:38
17	Q. And do you know how they searched your 09:35:19	17	Q. What -- what did you do to make sure that 09:37:43
18	computers? 09:35:22	18	your search was appropriate? 09:37:46
19	A. No. I would be guessing if I told you 09:35:24	19	MS. LEEBOVE: Objection, asked and 09:37:47
20	how. 09:35:28	20	answered. 09:37:51
21	Q. Did you do anything to determine that this 09:35:29	21	THE WITNESS: I gave this consultant full 09:37:53
22	search was complete? That is, that this contractor 09:35:31	22	access to my machines. They were logged in to my 09:37:56
23	obtained all the responsive information to 09:35:36	23	machines. They had access to every single file on 09:38:00
24	defendant's document request? 09:35:38	24	those machines. 09:38:03
25	A. I mean, personally, I looked through 09:35:41	25	MR. KIERNAN: Okay. 09:38:05

	Page 25		Page 27	
1	THE WITNESS: My current resumes -- they	09:38:05	1 think I opened it while I was working at Intuit."	09:40:47
2	are public record. I mean, there's websites where	09:38:07	2 MS. LEEBOVE: Objection, misstates prior	09:40:57
3	you can see my resume.	09:38:11	3 testimony.	09:40:58
4	BY MR. KIERNAN:	09:38:14	4 MR. KIERNAN: Right?	09:40:58
5	Q. Where is your carpentry resume that is in	09:38:14	5 MS. LEEBOVE: Objection, misstates prior	09:40:59
6	the public record?	09:38:23	6 testimony, argumentative, vague. I'm not sure it	09:40:59
7	A. I know I have several stored with Google.	09:38:25	7 was a question.	09:41:04
8	If I were to look at LinkedIn, that would probably	09:38:30	8 THE WITNESS: Could you restate that?	09:41:07
9	be more focused on technology roles.	09:38:33	9 MR. KIERNAN: No. I can't find it on my	09:41:08
10	Q. You said you submitted your carpentry	09:38:41	10 screen.	09:41:45
11	resume to Google?	09:38:42	11 THE REPORTER: (Read back as follows: The	09:41:45
12	MS. LEEBOVE: Objection, misstates prior	09:38:44	12 last question was, "Well, it's not in line" -- hold	09:41:45
13	testimony.	09:38:46	13 on. "Why is that not surprising to you?"	09:41:48
14	MR. KIERNAN: I'm not following that.	09:38:46	14 Is that the one you want?	09:41:48
15	THE WITNESS: So Google has this service,	09:38:48	15 MR. KIERNAN: And then he gives an answer	09:41:48
16	it's now called Drive, Google Drive. Uh --	09:38:51	16 and --	09:41:48
17	BY MR. KIERNAN:	09:38:57	17 THE REPORTER: Yup. That was his answer.	09:41:48
18	Q. When did you start using that, Mr. Stover?	09:38:57	18 "Well, it's not in line" -- that one?	09:41:48
19	Google Drive?	09:39:00	19 BY MR. KIERNAN:	09:41:48
20	A. Yeah, it used to be Docs by Google.com.	09:39:02	20 Q. Well, it's not in line with you opening an	09:41:48
21	Again, I would estimate about the time I opened my	09:39:08	21 account while you were working at Intuit, correct?	09:41:48
22	Google account. So again, that was -- I don't	09:39:13	22 MS. LEEBOVE: Objection, misstates prior	09:41:48
23	remember specifically when that was. It was	09:39:15	23 testimony, vague and ambiguous.	09:41:50
24	probably similar to the answer I gave you earlier.	09:39:17	24 THE WITNESS: As I stated, I wasn't	09:41:51
25	Q. I'm thinking that maybe this would help out	09:39:23	25 entirely certain. I gave a time period of 2009 when	09:41:55
	Page 26		Page 28	
1	a little bit. Do you recall if it was before or	09:39:26	1 I opened the account, so by saying I was in line	09:41:58
2	after you left Intuit?	09:39:28	2 with that -- I left Intuit in December of 2009.	09:42:02
3	A. I believe it was during the period I was	09:39:31	3 BY MR. KIERNAN:	09:42:23
4	with Intuit that I opened the Google account.	09:39:34	4 Q. And it's about then that you think you	09:42:23
5	Q. The reason I ask is, I can't find any	09:39:36	5 started using the Google Docs?	09:42:25
6	e-mails in the production while you were working at	09:39:40	6 MS. LEEBOVE: Objection, misstates prior	09:42:29
7	Intuit. Do you know why that would be?	09:39:43	7 testimony.	09:42:32
8	A. Are you talking about personal e-mails?	09:39:49	8 THE WITNESS: Approximately, yeah.	09:42:33
9	Q. Yeah, your Gmail account, the first e-mail	09:39:51	9 MR. KIERNAN: Okay.	09:42:34
10	is December 2009.	09:39:54	10 THE WITNESS: I don't remember exactly the	09:42:34
11	MS. LEEBOVE: Objection, vague.	09:39:58	11 correlation to when I opened the Google account and	09:42:35
12	THE WITNESS: So I would have been working	09:40:02	12 started using the Google Docs --	09:42:38
13	at Intuit at that point, correct?	09:40:03	13 BY MR. KIERNAN:	09:42:41
14	BY MR. KIERNAN:	09:40:08	14 Q. Sorry. We'll have to do this throughout	09:42:41
15	Q. Uh-huh. My question was, is it a surprise	09:40:08	15 and sometimes I'll apologize. And since you haven't	09:42:44
16	to you that the first e-mail that's in your	09:40:16	16 been deposed before, Mr. Stover, let me just point	09:42:48
17	production from your Gmail account is dated as	09:40:19	17 out, she's taking down everything that you and I	09:42:51
18	December 2009?	09:40:22	18 say. And so we will have to be careful throughout	09:42:54
19	A. Uh, no.	09:40:23	19 the deposition of not talking over one another.	09:42:57
20	Q. Okay. And why -- why is that not	09:40:24	20 We have done okay so far, but I may mention	09:43:01
21	surprising to you?	09:40:28	21 it a time or two. I'm not trying to be rude,	09:43:04
22	A. Because that was, I believe, I said in 2009	09:40:28	22 it's -- she will appreciate it.	09:43:08
23	I opened my Google account. That's in line with	09:40:32	23 A. Yeah. I completely understand.	09:43:12
24	what I told you earlier, so that's not a surprise.	09:40:37	24 Q. Okay. Are you currently employed by	09:43:32
25	Q. Okay. Well, it's not in line with, "I	09:40:44	25 somebody, or is it your own business?	09:43:35

Page 29		Page 31	
1 A. I am actually starting a new job	09:43:38	1 Q. I just want to know why you produced it in	09:47:08
2 tomorrow.	09:43:41	2 this lawsuit.	09:47:11
3 Q. Oh, congratulations.	09:43:42	3 A. I would be guessing as to why. I could	09:47:11
4 A. Yeah. Good timing.	09:43:44	4 spend several hours and give you a good guess.	09:47:16
5 Q. Who is your job with?	09:43:50	5 Q. Well, no, you produced it in response to	09:47:21
6 A. The name of the company is Jay Wanamaker	09:43:51	6 something. I just want to know why you thought it	09:47:23
7 Cabinetry.	09:43:56	7 was responsive to our document request.	09:47:27
8 Q. And you located in Seattle?	09:43:57	8 MS. LEEBOVE: I'm not sure if that's a	09:47:30
9 A. Correct.	09:44:03	9 question, but --	09:47:32
10 Q. Before that job which starts tomorrow --	09:44:05	10 MR. KIERNAN: Yes, it is. I want to know	09:47:32
11 A. Uh-huh.	09:44:08	11 why it's rela- -- responsive to our document	09:47:35
12 Q. -- what -- what were you doing? Were you	09:44:08	12 request.	09:47:38
13 working sole proprietorship or for somebody?	09:44:10	13 MS. LEEBOVE: It sounds like a statement.	09:47:39
14 MS. LEEBOVE: Objection, vague, compound.	09:44:12	14 Objections stands.	09:47:41
15 THE WITNESS: So up until May or June of	09:44:20	15 MR. KIERNAN: No, no. See, the "why" is a	09:47:41
16 this year, I was in a program formally studying	09:44:25	16 question. It's not a statement.	09:47:42
17 woodworking. And over the summer I had one job	09:44:27	17 MS. LEEBOVE: It sounds like a statement.	09:47:44
18 doing some residential construction. But mainly	09:44:30	18 MR. HARVEY: To the pending question,	09:47:46
19 over the last three or four months, I've been	09:44:33	19 objection, calls for a legal conclusion.	09:47:46
20 focusing on finding a position with a cabinet	09:44:36	20 BY MR. KIERNAN:	09:47:51
21 maker.	09:44:45	21 Q. Okay. And Mr. Stover, this -- your counsel	09:47:51
22 BY MR. KIERNAN:	09:44:45	22 thinks it's like a trick question. If you don't	09:47:56
23 Q. And how long was the woodworking program?	09:44:45	23 know why it was produced, that's all you got to say.	09:47:59
24 A. It was a year and a half.	09:44:48	24 It's easy.	09:48:03
25 Q. So when did you start?	09:44:54	25 A. I can't with certainty say why it was	09:48:05
Page 30		Page 32	
1 A. So if I finished in May -- so I've counted	09:44:56	1 produced.	09:48:09
2 back from May, that would be, what, I'm sorry. I'm	09:45:15	2 Q. Do you have any idea?	09:48:10
3 sure -- I don't know if you have a copy of my	09:45:21	3 A. Would you like me to guess?	09:48:11
4 current resume --	09:45:24	4 Q. Sure.	09:48:12
5 Q. That's what I'm looking for. It's exactly	09:45:26	5 A. My assumption is that the application which	09:48:18
6 what I'm looking for. In the meantime, Mr. Stover,	09:45:29	6 was run on my machine found some keywords or some	09:48:21
7 I am not going to not mark this as an exhibit. I	09:45:37	7 other element that they were looking for in here.	09:48:26
8 only have one copy, but your counsel can look at it.	09:45:40	8 But again, that's just a guess. To	09:48:31
9 That was in your production. Can you tell me what	09:45:44	9 honestly analyze this would take a day or two to	09:48:37
10 that is? The Bates number is -- what is the Bates	09:45:47	10 kind of look at it and figure out exactly what it	09:48:41
11 number down in the lower right-hand corner?	09:45:50	11 is.	09:48:44
12 A. The what?	09:45:53	12 Q. This is good enough. I just want to make	09:48:44
13 Q. Yeah, that thing. PLTF_DS_ --	09:45:55	13 sure -- it's fine.	09:48:47
14 A. 0000279.	09:45:58	14 MR. HARVEY: Just so the record is clear,	09:48:49
15 Q. Okay. Can you tell me what that is?	09:46:02	15 because it's not an exhibit, could you read the	09:48:51
16 MS. LEEBOVE: Take your time to look at it	09:46:05	16 Bates range of the document? And if it was produced	09:48:53
17 if you want to.	09:46:07	17 as a single document, can you make a representation	09:48:57
18 MR. KIERNAN: Yeah, take your time. I have	09:46:08	18 it was produced as a single document?	09:48:59
19 about 500 pages of this stuff, and I'm trying to	09:46:12	19 MR. KIERNAN: What I'll say is, why don't	09:49:03
20 figure out why you produced it.	09:46:14	20 you guys look at it a break?	09:49:04
21 BY MR. KIERNAN:	09:46:57	21 And you can do it during --	09:49:09
22 Q. Any of it look familiar?	09:46:57	22 MR. HARVEY: Why don't you spend the	09:49:09
23 A. It does not look familiar. I can read	09:46:59	23 time so the transcript is clear -- (Cross-talking)	09:49:13
24 through the code and make a guess as to what it is,	09:47:01	24 MR. KIERNAN: Hey, hey. Dean, Dean, this	09:49:13
25 if that would be useful. It may take some time.	09:47:05	25 is my deposition. Stop, stop -- (Cross-talking)	09:49:15

		Page 101			Page 103
1	resume.	12:48:12	1	either making cabinets or furniture. So it would be	12:51:25
2	Q. And where did you look for that document?	12:48:13	2	shop work.	12:51:30
3	A. I looked on Google Gmail.	12:48:15	3	Q. And you were presenting this to potential	12:51:32
4	Q. And just tell me how you accessed it and	12:48:18	4	employers?	12:51:36
5	how you found the document that you printed?	12:48:23	5	A. Correct.	12:51:37
6	MS. LEEBOVE: Objection, vague, and	12:48:25	6	Q. Knowing they would rely on what you wrote	12:51:39
7	don't -- I'm letting you know you don't have to give	12:48:29	7	in here?	12:51:41
8	him your password, how you logged on to your	12:48:34	8	MS. LEEBOVE: Objection, calls for	12:51:41
9	account.	12:48:34	9	speculation.	12:51:43
10	THE WITNESS: Yes, I logged on to my	12:48:35	10	THE WITNESS: Yeah, I couldn't talk about	12:51:44
11	account and looked at e-mails I had sent, and I	12:48:36	11	what they would think.	12:51:46
12	found the most recent e-mail I had sent to possible	12:48:39	12	BY MR. KIERNAN:	12:51:47
13	employer related to carpentry work.	12:48:43	13	Q. Why did you give it to them?	12:51:47
14	BY MR. KIERNAN:	12:48:46	14	A. To find work.	12:51:51
15	Q. And what was the name of the employer --	12:48:46	15	Q. Right. But you have no understanding that	12:51:56
16	potential employer?	12:48:53	16	a potential employer is going to rely upon what you	12:52:00
17	A. I don't remember.	12:48:54	17	write in your resume?	12:52:04
18	MR. KIERNAN: Let me do this to make the	12:48:54	18	MS. LEEBOVE: Objection, argumentative,	12:52:07
19	record a little clearer, I'm handing you what's been	12:48:56	19	calls for speculation, misstates prior testimony.	12:52:10
20	marked as -- 92? Exhibit 92. I've been asked that	12:49:04	20	THE WITNESS: Yes, I do.	12:52:16
21	the first number of the Bates range will be	12:49:13	21	BY MR. KIERNAN:	12:52:24
22	PLTF_DS_1118 and last page will be PLTF_DS_1120.	12:49:17	22	Q. Okay. What's your understanding?	12:52:24
23	You have a copy.	12:49:55	23	A. It provides a quick view of your particular	12:52:27
24	(Exhibit 92 marked for identification.)	12:49:57	24	skills that you will bring to the position.	12:52:29
25	MS. LEEBOVE: Actually --	12:49:57	25	Q. And potential employers understand that	12:52:31
		Page 102			Page 104
1	MR. KIERNAN: They'll pass it around.	12:49:58	1	you're being accurate in your description of those	12:52:33
2	MS. LEEBOVE: Thank you.	12:50:01	2	particular skills --	12:52:37
3	BY MR. KIERNAN:	12:50:01	3	MS. LEEBOVE: Objection.	12:52:37
4	Q. Now, I've handed you what's been marked as	12:50:01	4	BY MR. KIERNAN:	12:52:37
5	Exhibit 92. Could you identify this for me,	12:50:03	5	Q. Is that correct?	12:52:37
6	Mr. Stover?	12:50:06	6	MS. LEEBOVE: Objection, calls for	12:52:38
7	A. This is a resume that I just provided to	12:50:10	7	speculation.	12:52:39
8	you. I found it using the method I just	12:50:13	8	THE WITNESS: Yeah, I wouldn't speculate on	12:52:41
9	described.	12:50:17	9	that.	12:52:42
10	Q. And this resume, was it attached to an	12:50:18	10	BY MR. KIERNAN:	12:52:43
11	e-mail?	12:50:20	11	Q. You don't have any understanding,	12:52:43
12	A. Correct.	12:50:21	12	Mr. Stover --	12:52:45
13	Q. While you were looking for resumes during	12:50:24	13	MS. LEEBOVE: Objection, argumentative,	12:52:45
14	the break, did you see other e-mails with attached	12:50:27	14	calls for speculation.	12:52:46
15	resumes?	12:50:29	15	THE WITNESS: Do I have an understanding?	12:52:48
16	A. Yes.	12:50:31	16	MR. KIERNAN: Yeah.	12:52:52
17	Q. And e-mails that you sent in connection	12:50:31	17	MS. LEEBOVE: Same objections.	12:52:53
18	with your most recent search for jobs?	12:50:33	18	THE WITNESS: If I were hiring someone, I	12:52:57
19	A. That's correct, yeah.	12:50:36	19	would definitely not be so concerned about the dates	12:53:01
20	Q. Roughly how many e-mails do you think you	12:50:39	20	where they worked somewhere, I would be more	12:53:05
21	saw?	12:50:41	21	interested in the skills they would bring to the	12:53:07
22	A. I saw six.	12:50:52	22	table. And I would meet them, and speak with them,	12:53:11
23	Q. Okay. And what was the -- your purpose in	12:51:09	23	and probably most important I would talk to	12:53:14
24	putting together this resume, Exhibit 92?	12:51:16	24	references that they provide.	12:53:16
25	A. This one would specifically be to find work	12:51:20	25	BY MR. KIERNAN:	12:53:18

		Page 105			Page 107
1	Q. And you're focusing on the dates in your	12:53:18	1	2009?	12:56:06
2	answer because your dates that you provided to	12:53:20	2	A. In this case I would say it was just not	12:56:08
3	potential employers you misrepresented; isn't that	12:53:24	3	being particularly careful about representing my	12:56:11
4	right?	12:53:26	4	work history.	12:56:16
5	MS. LEEBOVE: Objection.	12:53:29	5	Q. Excuse me. Now, you state in Exhibit 92	12:56:52
6	MR. KIERNAN: Well --	12:53:29	6	that you worked at Chick Machine Tool from July 1999	12:56:55
7	MS. LEEBOVE: What -- objection,	12:53:29	7	to September 2000, do you see that?	12:57:01
8	argumentative, assumes facts not in evidence.	12:53:34	8	A. Yes.	12:57:03
9	THE WITNESS: No, I would say I was not	12:53:37	9	Q. Okay. But you weren't living in Butler,	12:57:05
10	careful.	12:53:43	10	Pennsylvania in 2000, correct?	12:57:06
11	BY MR. KIERNAN:	12:53:44	11	MS. LEEBOVE: Objection, misstates prior	12:57:09
12	Q. What weren't you -- what were you not	12:53:44	12	testimony.	12:57:11
13	careful about?	12:53:49	13	THE WITNESS: I was not.	12:57:11
14	A. Providing the exact dates of my	12:53:55	14	BY MR. KIERNAN:	12:57:14
15	employment.	12:53:57	15	Q. Right. You moved to San Francisco?	12:57:14
16	Q. Which ones?	12:53:59	16	A. Correct.	12:57:17
17	A. So I think the ones September 2005 is	12:54:26	17	Q. So you couldn't have writ- -- you couldn't	12:57:18
18	approximately when I started at Intuit, so I'd say	12:54:30	18	have worked at Chick Machine Tool through September	12:57:19
19	the positions before that I wasn't careful about the	12:54:32	19	2000, correct?	12:57:22
20	date ranges where I worked somewhere. And if	12:54:35	20	MS. LEEBOVE: Objection, asked and	12:57:24
21	September 2005 is wrong for my start date at Intuit,	12:54:41	21	answered, argumentative.	12:57:26
22	again, that would be an example of --	12:54:46	22	THE WITNESS: That's correct.	12:57:26
23	Q. When did you start at Intuit?	12:54:49	23	BY MR. KIERNAN:	12:57:27
24	A. I honestly don't remember. It sounds	12:54:51	24	Q. So this is another time that you misstated	12:57:29
25	right. I was working as a consultant for JPF.	12:54:54	25	when you worked at a particular employer, when	12:57:31
		Page 106			Page 108
1	Q. You have a LinkedIn profile, correct?	12:55:04	1	looking for your recent jobs, correct?	12:57:34
2	A. I do.	12:55:07	2	MS. LEEBOVE: Objection, mischaracterizes	12:57:36
3	Q. And you keep that fairly up-to-date?	12:55:07	3	prior testimony.	12:57:37
4	A. Relatively.	12:55:10	4	THE WITNESS: Yeah, again, I was not being	12:57:39
5	Q. In fact, you just updated to include your	12:55:10	5	as careful as I should have been.	12:57:40
6	education at the Center for Wood Construction,	12:55:16	6	BY MR. KIERNAN:	12:57:47
7	right?	12:55:18	7	Q. With respect to Chick Machine Tool isn't	12:57:47
8	A. Slightly four months ago, something like	12:55:18	8	this because you wanted to make it look like you had	12:57:49
9	that.	12:55:21	9	extensive experience working with machinery and	12:57:52
10	Q. So "yes" is the answer?	12:55:22	10	gaining the skill set that you could use in	12:57:58
11	A. Yes.	12:55:23	11	carpentry? Isn't that why you wrote "September	12:58:01
12	Q. And on your LinkedIn account, you have when	12:55:24	12	2000"?	12:58:04
13	you stated into it, correct?	12:55:28	13	MS. LEEBOVE: Objection, argumentative,	12:58:06
14	A. I believe so.	12:55:29	14	compound, harassing the witness.	12:58:07
15	Q. And there you have July of 2006?	12:55:33	15	THE WITNESS: Yeah, I couldn't say for	12:58:09
16	MS. LEEBOVE: Is that a question?	12:55:35	16	certain. Like I said, I think I just was not being	12:58:11
17	MR. KIERNAN: Isn't that right?	12:55:38	17	careful.	12:58:14
18	THE WITNESS: I honestly don't know.	12:55:41	18	BY MR. KIERNAN:	12:58:16
19	BY MR. KIERNAN:	12:55:44	19	Q. You can't say for certain?	12:58:16
20	Q. I'll represent to you that's what you wrote	12:55:44	20	MS. LEEBOVE: Objection, that's not a	12:58:18
21	on the Internet, is that you worked there in July of	12:55:46	21	question.	12:58:20
22	2006.	12:55:51	22	MR. KIERNAN: It is a question.	12:58:20
23	A. Uh-huh.	12:55:53	23	MS. LEEBOVE: Sounds more like a comment.	12:58:21
24	Q. Why would you tell potential employers that	12:55:53	24	Just because you raise your voice at the end of a	12:58:21
25	you worked there in September 2005 to December of	12:56:00	25	word, doesn't make it a question.	12:58:24

		Page 109			Page 111
1	BY MR. KIERNAN:	12:58:27	1	careful.	12:59:56
2	Q. You can't say for certain why you put	12:58:27	2	BY MR. KIERNAN:	12:59:57
3	September 2000?	12:58:30	3	Q. I understand that you were not being	12:59:57
4	MS. LEEBOVE: Objection, that's a	12:58:31	4	careful.	12:59:59
5	comment.	12:58:31	5	A. Yes.	12:59:59
6	MR. KIERNAN: Counselor, it's a question,	12:58:35	6	Q. I'm asking you if you misstated where you	13:00:00
7	okay? It's not a statement. You can answer the	12:58:36	7	worked in 2000, when you were looking or when you	13:00:01
8	question.	12:58:38	8	were applying for jobs?	13:00:08
9	MS. LEEBOVE: Objection, argumentative,	12:58:39	9	MS. LEEBOVE: Objection, asked and	13:00:09
10	harassing the witness, asked and answered.	12:58:43	10	answered, harassing, mischaracterizes prior	13:00:11
11	BY MR. KIERNAN:	12:58:45	11	testimony, argumentative.	13:00:13
12	Q. Go ahead.	12:58:45	12	THE WITNESS: So there was definitely a	13:00:15
13	A. Yeah, I honestly can't say.	12:58:45	13	mistake there.	13:00:17
14	Q. You knew when you drafted this resume where	12:58:51	14	BY MR. KIERNAN:	13:00:22
15	you were living in 2000, correct?	12:58:54	15	Q. And you testified that you've sent this out	13:00:22
16	MS. LEEBOVE: Objection, we're about to	12:58:55	16	to at least six potential employers; is that	13:00:25
17	leave the room. So if you'd like to continue	12:58:57	17	correct?	13:00:32
18	harassing the witness, that's what's going to	12:59:00	18	MS. LEEBOVE: Objection, missstates prior	13:00:32
19	happen.	12:59:02	19	testimony.	13:00:34
20	THE WITNESS: Can we --	12:59:03	20	THE WITNESS: I saw on the screen six	13:00:35
21	MS. LEEBOVE: Argumentative.	12:59:03	21	e-mails where I attached a resume. I don't know if	13:00:35
22	MR. KIERNAN: You can answer.	12:59:03	22	it's this exact one.	13:00:40
23	THE WITNESS: Yes.	12:59:06	23	(Exhibit 93 marked for identification.)	13:00:45
24	MS. LEEBOVE: Misstates prior testimony.	12:59:06	24	BY MR. KIERNAN:	13:00:45
25	THE WITNESS: I would have known where I	12:59:07	25	Q. I'm handing you what's been marked as	13:01:41
		Page 110			Page 112
1	was living.	12:59:09	1	Exhibit 93.	13:01:43
2	BY MR. KIERNAN:	12:59:10	2	All right. Mr. Stover, you see in the	13:02:02
3	Q. And so in this resume you misstated where	12:59:10	3	bottom right-hand corner it says, PLTF DS 0000243?	13:02:04
4	you were living, correct?	12:59:14	4	A. Yes.	13:02:09
5	MS. LEEBOVE: Objection, mischaracterizes	12:59:15	5	Q. All right. This represents that this came	13:02:09
6	prior testimony, asked and answered, harassing,	12:59:17	6	out of your files.	13:02:13
7	argumentative.	12:59:19	7	A. Okay.	13:02:13
8	THE WITNESS: Yes, I wasn't being careful.	12:59:20	8	Q. Can you identify what Exhibit 93 is?	13:02:15
9	I was not -- I was not misrepresenting. I was not	12:59:21	9	A. This appears to be my LinkedIn profile; is	13:02:18
10	being careful.	12:59:25	10	that correct?	13:02:23
11	BY MR. KIERNAN:	12:59:26	11	Q. Yes.	13:02:26
12	Q. But you misstated where you were living,	12:59:26	12	A. Okay.	13:02:31
13	Mr. Stover, correct?	12:59:27	13	Q. And if you turn to Bates range 245. And	13:02:37
14	MS. LEEBOVE: Objection, argumentative and	12:59:29	14	about halfway down it states, "Finish carpenter	13:02:50
15	harassing.	12:59:32	15	Fulwiler James November 2005 through June 2006,	13:02:54
16	THE WITNESS: This doesn't state where I	12:59:33	16	eight months"; do you see that?	13:03:03
17	lived.	12:59:34	17	A. Yes.	13:03:05
18	BY MR. KIERNAN:	12:59:38	18	Q. And then earlier today you felt that you	13:03:05
19	Q. Okay. You misstated where you worked in	12:59:38	19	were there for a shorter period of time, do you	13:03:08
20	2000 in your resume that you recently used to get	12:59:41	20	recall that testimony?	13:03:10
21	employment, correct?	12:59:45	21	A. I said five or six months, I believe.	13:03:11
22	MS. LEEBOVE: Objection, mischaracterizes	12:59:50	22	Q. Is your LinkedIn profile accurate with	13:03:17
23	prior testimony, asked and answered, argumentative,	12:59:52	23	respect to roughly the year in which you worked in	13:03:19
24	harassing.	12:59:54	24	the five or six months in sort of the timeframe in	13:03:26
25	THE WITNESS: Again, I was not being	12:59:54	25	which you worked at Fulwiler James?	13:03:28

Page 113			Page 115		
1 A. I --	13:03:29		1 Q. What year?	13:06:08	
2 MS. LEEBOVE: Objection, vague.	13:03:30		2 A. I honestly don't recall.	13:06:11	
3 THE WITNESS: I believe it is.	13:03:32		3 Q. Is either one of these accurate, either	13:06:18	
4 BY MR. KIERNAN:	13:03:37		4 92 -- Exhibit 92 or Exhibit 93?	13:06:21	
5 Q. So now I want to go back to the resume,	13:03:37		5 MS. LEEBOVE: Objection, vague.	13:06:27	
6 Exhibit 92, that you sent out to potential employers	13:03:40		6 THE WITNESS: Entirely accurate, I would	13:06:28	
7 for carpentry work. Here you state that you worked	13:03:46		7 say no.	13:06:29	
8 at Fulwiler James October 2004 through September	13:03:48		8 BY MR. KIERNAN:	13:06:30	
9 2005, do you see that?	13:03:54		9 Q. With respect to Fulwiler -- when you worked	13:06:30	
10 MS. LEEBOVE: Objection, misstates prior	13:03:55		10 at Fulwiler James, is either Exhibit 92 or Exhibit	13:06:31	
11 testimony.	13:03:56		11 93 accurate?	13:06:35	
12 THE WITNESS: I do.	13:04:00		12 MS. LEEBOVE: Objection, vague, asked and	13:06:36	
13 BY MR. KIERNAN:	13:04:06		13 answered.	13:06:39	
14 Q. The resume that you sent to the potential	13:04:06		14 THE WITNESS: Yes, I don't know.	13:06:40	
15 employer states that you worked at Fulwiler James	13:04:11		15 BY MR. KIERNAN:	13:06:46	
16 for nearly two years, correct? Or no, for nearly a	13:04:15		16 Q. When you sent the resume that's marked as	13:06:46	
17 year, correct?	13:04:21		17 Exhibit 92 to the potential employer, did you do	13:06:50	
18 A. Yes.	13:04:25		18 anything to verify the dates of employment that you	13:06:57	
19 Q. For eleven months; is that right?	13:04:26		19 wrote down on your resume?	13:06:59	
20 A. Yes.	13:04:34		20 A. I did not.	13:07:01	
21 Q. So this is another example of where the	13:04:36		21 Q. You did not?	13:07:02	
22 resume that you sent to potential employers	13:04:42		22 A. Yeah. I mean, I would have probably	13:07:03	
23 misstates the dates in which you worked for a	13:04:45		23 grabbed an earlier resume and worked from that.	13:07:05	
24 particular employer?	13:04:49		24 Q. You didn't look to see what you'd written	13:07:21	
25 MS. LEEBOVE: Objection, misstates prior	13:04:50		25 in LinkedIn?	13:07:24	
Page 114			Page 116		
1 testimony, mischaracterizes prior testimony as	13:04:53		1 MS. LEEBOVE: Objection, argumentative.	13:07:25	
2 well.	13:04:55		2 THE WITNESS: For this particular resume, I	13:07:28	
3 THE WITNESS: It would be another example	13:04:56		3 don't remember doing that.	13:07:31	
4 of where I was not careful about the dates I was	13:04:57		4 BY MR. KIERNAN:	13:08:49	
5 using.	13:05:00		5 Q. When did you create Exhibit 92, roughly?	13:08:49	
6 BY MR. KIERNAN:	13:05:00		6 A. In its final form?	13:08:57	
7 Q. But you were careful in LinkedIn, right?	13:05:00		7 Q. Uh-huh.	13:09:04	
8 MS. LEEBOVE: Objection, vague.	13:05:04		8 A. Sometimes within the last four months it's	13:09:04	
9 THE WITNESS: I can't guarantee everything	13:05:08		9 adequate.	13:09:07	
10 here is exactly right, but it appears I was more	13:05:10		10 Q. Since May of 2012?	13:09:17	
11 careful.	13:05:25		11 A. Yes.	13:09:20	
12 BY MR. KIERNAN:	13:05:26		12 Q. I notice that in Exhibit 92 you did not	13:09:25	
13 Q. And what I'd like you to do, Mr. Stover, is	13:05:26		13 list your work at Restoration Hardware. Is there a	13:09:27	
14 look at 92 and 93 side by side, okay? The resume	13:05:28		14 reason why?	13:09:32	
15 that you recently sent out for Fulwiler James is	13:05:35		15 A. I am not sure. I don't know why.	13:09:39	
16 dated October 2004 - September 2005, do you see	13:05:40		16 Q. When did you work at Restoration	13:09:44	
17 that?	13:05:44		17 Hardware?	13:09:47	
18 A. Yes.	13:05:45		18 A. Approximately the dates that are in	13:09:48	
19 Q. All right. And then in your LinkedIn	13:05:46		19 LinkedIn.	13:09:49	
20 profile, which is Exhibit 93, you've written	13:05:49		20 Q. Which is what?	13:09:51	
21 November 2005 through June 2006, do you see that?	13:05:56		21 A. Here I have listed September 2004 through	13:09:54	
22 A. Yes.	13:06:01		22 October of 2005.	13:09:57	
23 Q. Which months did you work for Fulwiler	13:06:03		23 Q. And that's roughly the same period that you	13:10:01	
24 James?	13:06:05		24 assigned to Fulwiler James in your Exhibit 22; is	13:10:07	
25 A. I don't recall.	13:06:07		25 that right?	13:10:12	

Page 297

1 I declare under penalty of perjury under the
2 laws of the State of California that the foregoing
3 is true and correct.

4
5 Executed on _____, 2012,
6 at _____, _____.

7
8
9
10
11 DANIEL STOVER
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 298

1 State OF CALIFORNIA) ss:
2 COUNTY OF MARIN)
3

4 I, ASHLEY SOEVYN, CSR No. 12019, do hereby
5 certify:

6 That the foregoing deposition testimony was
7 taken before me at the time and place therein set
8 forth and at which time the witness was administered
9 the oath;

10 That the testimony of the witness and all
11 objections made by counsel at the time of the
12 examination were recorded stenographically by me,
13 and were thereafter transcribed under my direction
14 and supervision, and that the foregoing pages
15 contain a full, true and accurate record of all
16 proceedings and testimony to the best of my skill
17 and ability.

18 I further certify that I am neither counsel for
19 any party to said action, nor am I related to any
20 party to said action, nor am I in any way interested
in the outcome thereof.

21 IN THE WITNESS WHEREOF, I have transcribed my
22 name this 2nd day of November, 2012.

23
24

25 ASHLEY SOEVYN, CSR No. 12019